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TECHNOLOGY CENTER 2100

In re Application of:
Yoshiki Kawaoka et al.
Application No. 09/667,701
Filed: September 22, 2000
For: Image Server and Method of Controlling
Same

**DECISION GRANTING
PETITION TO RESET
PERIOD FOR REPLY**

This is a decision on the petition filed on August 23, 2007, requesting that the shortened statutory period for reply set forth in the Office communication mailed on July 26, 2007, be reset to run from the date on which a corrected complete office action was actually mailed.

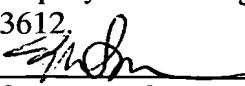
The petition is **Dismissed as Moot** as a new office action has been mailed (January 9, 2008).

Petitioner points out that an office action contains some defect and this error is called to the attention of the Office within 1 month of the mail date of the action, the office will restart the previously set period for reply to run from the date of the error is corrected, if requested by applicant. See MPEP 710.06. The defect pointed out by petitioner is that claims 4-6 and 16-17 are not recited in any statement of the grounds of rejection.

The office regrets the delay in deciding this petition but it only came to my attention this week. The below text is included as a courtesy in case the above fact pattern occurs again.

A review of the July 26 office action indicates that petitioner is correct that claims 4-6 and 16-17 are not recited in any statement of the grounds of rejection however all of these claims are recited in the body of the second 102 rejection and the discussion clearly discusses the claim language of these claims and not claims 1, 10-12, 14, 19 and 20. Clearly the statement of the grounds of rejection is a typo and that an applicant could reasonably reply to the office action in light of this typo. MPEP 710.06 states that when an office action contains an error that effects applicant's ability to reply to the office action As this typo didn't effect applicant's ability to reply this fact pattern would not be a grantable fact pattern.

Any inquiry concerning this decision should be directed to Tod Swann whose telephone is (571) 272-3612.



Tod Swann, WQAS
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Information Security